

(Draft - Awaiting Formal Approval)  
**MINUTES OF THE  
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**  
November 17, 2009 – 8:30 a.m. – Room 250 State Capitol

**Members Present:**

Sen. Allen M. Christensen, Senate Chair  
Rep. Merlynn T. Newbold, House Chair  
Sen. Gene Davis  
Rep. Trisha S. Beck  
Rep. Lorie D. Fowlke

**Staff Present:**

Mr. Mark D. Andrews, Policy Analyst  
Mr. Thomas R. Vaughn, Associate General Counsel  
Ms. Wendy L. Bangerter, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Christensen called the meeting to order at 8:45 a.m.

**MOTION:** Rep. Fowlke moved to approve the minutes of the September 30, 2009 meeting. The motion passed unanimously. Sen. Davis and Rep. Newbold were absent for the vote.

**2. 2010 Legislation**

Mr. Vaughn briefed the Panel on two child welfare bill requests for the 2010 General Session. One bill addresses the reporting of performance measures, extending reunification services beyond 12 months, and the notification of the parents when a child is interviewed by law enforcement officials. The other bill addresses the collection of child support when a child in state custody is returned home on a trial basis.

**3. Caseloads**

Mr. Duane Betournay, Division of Child and Family Services (DCFS), distributed "Average Division Caseload" and briefed the Panel on recent changes in caseworker caseloads. He noted that the Division has the ability to shift caseworkers across regions and that some of Salt Lake Region's caseworker slots have been shifted to Western Region. He expressed concerns that if the Division loses more caseworkers due to budget cuts, caseloads will continue to grow.

**4. Department of Human Services Related-Party Investigation Procedure**

Mr. Arthur Hunsaker, Office of Legislative Research and General Counsel and staff to the Administrative Rules Review Committee, reported that the Administrative Rules Review Committee staff reviewed whether Rule R495-888, "Department of Human Services Related Parties Conflict Investigation Procedure," complies with statute and found that it does not. The Administrative Rules Review Committee voted unanimously to recommend that the rule not be reauthorized.

Ms. Lisa-Michele Church, Executive Director, Department of Human Services, noted that her prepared remarks for the Administrative Rules Review Committee (dated October 28, 2009) mailed to the Panel prior to its meeting recite the history of R495-888. Ms. Church discussed the rule and identified several issues that will need to be resolved if the rule is not reauthorized: What money will be used to pay for a contractor other than the Office of Services Review, who will be able to do the investigations any more

independently than the Office of Services Review, and how does the Legislature want to handle related-party investigations for Adult Protective Services and Division of Services for People With a Disability clients (currently handled by Office of Services Review)?

The Panel discussed independence of investigations and independence of contract monitoring.

Ms. Susan Eisenman, Assistant Attorney General, pointed out that the statutes under discussion are limited to investigations related to child protective services, but R465-888 creates a consistent protocol for related-party investigations of any Department of Human Services contractor or employee.

**MOTION:** Sen. Davis moved that the Panel direct the chairs to develop legislation to address issues relating to repeal of the rule, that the chairs ask the Legislative Management Committee for approval to meet again to consider the legislation, and that the Panel be supportive of funding the legislation. The motion passed unanimously.

Ms. Renee Calkins, foster parent and vice president of the Utah Foster and Adoptive Family Association, related her family's experience of being investigated three times by DCFS. She contrasted the first two investigations conducted by a contract investigator with the third investigation conducted by the Department of Human Services. She indicated she believed the third investigation was less efficient than the others.

Mr. Layne Meacham, Rational Able Parents, addressed various issues raised during the meeting about related-party investigations. He indicated that the response to a previous request for proposals to provide contract investigation services was limited as a result of State Purchasing sending the RFP to irrelevant entities.

## **5. Foster Care**

Ms. Kelly Peterson, Chief Executive Officer, Utah Foster Care Foundation, spoke of the 3.5 percent reduction in the foster care payment rate and indicated that state budget cuts could affect the retention of foster parents. She indicated that fewer foster parents could lead to placement of children in more settings, could lead to some children being placed in more expensive group care, and could affect permanency. She reviewed the rates paid for various types of foster care.

Ms. Jennifer Gardner, foster parent, distributed "Rights Guaranteed to Children in Care Provided by Resource (Foster) Families," a Deseret News article, and "Prioritize foster-care funds." She discussed the costs incurred for her to foster children in her home and spoke of families that have stopped fostering or are not taking more foster children because they cannot afford it.

Ms. Caulkins spoke of the financial burden of caring for teenage foster children.

## **6. Other DCFS Providers**

Mr. Eric Bjorklund, J.D., Utah Youth Village, said that Utah Youth Village has designated the equivalent of one of its three group homes for placements of youth from other states willing to pay more than Utah for placements. He said that almost all long-term care providers for youth in state custody are replacing Utah youth with youth from other states and are moving out of state. He indicated that the change in Medicaid rules related to reimbursement of care will exclude two or three providers right away and will be incredibly negative. He expressed concern that moving youth into lower levels of care in response to budget reduction could lead to lawsuits and a situation like *David C. v. Leavitt*.

Ms. Cassie Grzesik, Ascent Inc., explained that she oversees quality assurance for the Youth Providers Association and explained her perspective on the children who are being served by providers. She distributed "Fact Sheet: Domestic Violence in Utah." Ms. Grzesik indicated that budget reductions will lead to either a reduction in veteran provider staff or wage and services reductions, and that quality of services will go down. She said that stepping down treatment for youth will lead to increased recidivism. She also said there is a lot of concern that beginning July 1, 2010, a lot of providers will be closing their doors and services will not be available for youth.

Ms. Victoria Delheimer, Division Director, Treatment Services for Volunteers of America Utah at Cornerstone Counseling Center, reviewed services available for victims of violence. Ms. Angie Twitchell, Director of Billing, Treatment Services for Volunteers of America Utah at Cornerstone Counseling Center, accompanied Ms. Delheimer.

Dr. Ron Llewellyn, Director of Domestic Violence Programs, Volunteers of America Utah at Cornerstone Counseling Center, spoke of the prevalence of domestic violence in Utah and the effectiveness of services provided by domestic violence service providers.

Ms. Bonnie Peters, Utah Association of Family Support Centers and executive director of several centers, discussed the work of the 13 family support centers in the state. She distributed "Hope, Help, Healing" and "Long-range Effects of Child Abuse." She said that the money from foundations and private donors used to supplement funding from DCFS is drying up.

## **7. Guardian ad Litem**

Mr. Keith A. Kelly, attorney and Chair of the Judicial Council's Guardian ad Litem Oversight Committee, distributed the "Utah Office of Guardian ad Litem and CASA" annual report. He reported that all of the critical issues identified in the legislative audit have been implemented, except that the Administrative Office of the Courts is still working with the Office of the Guardian ad Litem on the CARE case management system. He also reported that the office is operating more professionally than a few years ago, judges are giving highest ratings to guardians ad litem, caseloads are still too high, and the office does not have the resources it needs. He reported that the Oversight Committee will continue to focus on accountability and effective use of funds.

Mr. Rick Smith, Director, Office of the Guardian ad Litem, discussed three critical issues faced by his office: attorney salaries, a public/private partnership just created to raise funds to recruit and retain CASA volunteers, and recovery of attorney fees. Mr. Smith reported that the office used to collect about \$7,000 per year in attorney fees. Last year it collected \$100,000.

**MOTION:** Sen. Davis moved that the Panel continue its support of the Office of the Guardian ad Litem by recommending the Office continue to receive appropriate levels of funding, and that the Panel's recommendation be forwarded to the Joint Appropriations Subcommittee for Executive Offices and Criminal Justice. The motion passed unanimously.

## **8. Reports**

Mr. Andrews pointed out the annual reports included in the mailing packet, including the annual report on compliance with court deadlines, the annual report on child fatality reviews, and a report on the federal Child and Family Services Review.

Mr. Betournay distributed "Information for You to Know," a brief explanation of the federal Child and Family Services Review.

## **9. Other Business**

No other business was conducted.

## **10. Adjourn**

**MOTION:** Sen. Christensen moved to adjourn the meeting. The motion passed unanimously. Rep. Beck and Rep. Fowlke were absent for the vote.

Chair Newbold adjourned the meeting at 12:05 p.m.